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**From:** Busterud, John [Busterud.John@epa.gov]  
**Sent:** 12/4/2020 5:58:50 PM  
**To:** Alpern, Michael [Alpern.Michael@epa.gov]  
**CC:** Glenn, William [Glenn.William@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]  
**Subject:** RE: KQED on hurdles for Mary Nichols nom

Thanks Michael.

John W. Busterud  
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**From:** Alpern, Michael <Alpern.Michael@epa.gov>  
**Sent:** Friday, December 4, 2020 9:47 AM  
**To:** Busterud, John <Busterud.John@epa.gov>  
**Cc:** Glenn, William <Glenn.William@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>  
**Subject:** KQED on hurdles for Mary Nichols nom

Hi John,

As we were discussing this issue on the happy hour yesterday, I wanted to flag this new KQED news piece...from the same reporter who interviewed you.

Cheers,  
Mike

# California Environmental Groups Tell Biden Not to Pick Mary Nichols for EPA

Kevin Stark  
Dec 3



California Air Resources Board Chair Mary Nichols, left, and California Attorney General Xavier Becerra look on during a news conference at the California Justice Department on Sept. 18, 2019, in Sacramento, California. *(Justin Sullivan/Getty Images)*

A coalition of some 70 California environmental justice groups, national environmentalists and other organizations sent a letter to Joe Biden's transition team Thursday asking the incoming president to avoid picking Mary Nichols as head of the Environmental Protection Agency.

Nichols has been reported to be Biden's top candidate to lead the EPA.

The outgoing chair of the California Air Resources Board, Nichols is "not the right person to oversee and implement climate and environmental programs for the country" because of her "bleak track record in addressing environmental racism," the groups wrote.

Miya Yoshitani, executive director of the Asian Pacific Environmental Network, said, "The administration should choose someone else." Nominating Nichols, she said, "would send the wrong signal" in terms of the Biden administration's approach to solving the climate crisis.

Many of the groups that signed on to the letter have long taken aim at California's cap-and-trade program, asserting that it allows industry to pollute in neighborhoods already suffering from unhealthy air. The program aims to limit greenhouse gases,

which cause climate change, by capping industry emissions and allowing businesses to buy and sell credits at auction on a state-sponsored marketplace.

“During her tenure as CARB Chair, Nichols has been known for pushing market-based approaches to the climate crisis at the expense of the health and well-being of California’s communities of color, who suffer from some of the deadliest air in the country,” the groups wrote.

Nichols led the air board when it developed a blueprint for implementation of the original cap-and-trade program, shepherding it through a lengthy, contentious implementation process that included a dizzying array of groups with competing interests.

Some researchers that have examined the program have raised questions about its effectiveness.

CARB did not immediately respond to a request for comment. But in the past, Nichols and the agency have aggressively defended cap-and-trade, citing it as the result of years of policymaking, hearings, and stakeholder input, as well as a model for the international community.

Biden has proposed spending \$2 trillion over four years to spur the use of clean energy in the power, building and transportation sectors. He has also announced a sweeping set of proposals to rebuild a U.S. economy that has been savaged by the coronavirus pandemic while also reducing emissions and fighting environmental policies that have put minorities at risk.

Biden’s plan, announced in early August, helped to shore up his support among young and progressive voters who expect major action from the administration on climate change.

His pick for EPA will preside over an ambitious policy agenda aimed at reducing planet-warming gas emissions and cleaning up pollution in the nation’s poorest neighborhoods, while also growing the economy.

Nichols told the Associated Press that if Biden offers her the job, she “would take it.”

“Not everybody has actually run a climate action program, or an air program for that matter,” she said. “And I like working with large bureaucracies.”

Nichols ends her second stint as the state’s top air regulator this month. Between chairmanships she was a deputy administrator for the EPA under President Bill Clinton. She was also a founding attorney for the Natural Resources Defense Council’s Los Angeles bureau.

## **Incremental or 'Do Everything?'**

Progressive pushback on a potential Nichols pick is part of a wider disagreement in the party about how to implement climate policy.

Former Gov. Jerry Brown, once Nichols' boss, and other moderate Democrats have argued Biden should pursue durable bipartisan climate policy, establish binding international agreements and — as California has done — set ambitious climate goals before unveiling a string of policies to achieve these targets.

Brown told KQED that Nichols was a part of “the most successful climate fighting government in the Western Hemisphere” and encouraged Biden to disregard some environmentalists and “their slogans and their framing.”

“Mary’s got more experience than anybody in America in terms of climate change,” Brown said. “She’s presided over an institution that has the scientists, the policy analysts, the staff to come to grips with the complexities of climate, as well as other environmental problems caused by criteria pollutants.”

Brown said Nichols understands the politics required to move climate policy forward, relying on “experience that is not taught in college, not available in advocacy organizations, but only available firsthand by doing.”

Meanwhile, progressive environmentalists are wary of discussions around incremental change when it comes to the climate.

David Roberts, an environmental writer for Vox, argues that Biden should instead “do everything at once.”

National Democrats have failed to enact climate policy because they have relied on “clever sequencing over and over again,” he wrote, “imagining some amount of political capital that they could husband and spend strategically to get assistance across the aisle, at every juncture underestimating the ferocity and unanimity of Republican opposition.”

“The only thing Biden will have real control over is his administration and what it does,” he said. “And his North Star, his organizing principle, should be doing as much good on as many fronts as fast as possible. Blitz.”

